

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARA FLAMM	:	CIVIL ACTION
	:	
v.	:	
	:	
SARNER & ASSOCIATES, P.C., et al.	:	NO. 02-4302

ORDER

AND NOW, this 2nd day of April, 2004, upon consideration of Plaintiff's Motion for Leave to Amend Complaint; Motion of Attorney Defendants to Dismiss Plaintiff's Complaint Pursuant to Rules 12(b)(91) and 12(b)(6); Memorandum of Law in Support of Attorney Defendants' Opposition to Plaintiff's Motion for Leave to File an Amended Complaint or, in the Alternative, Defendants' Motion to Dismiss Count III of Plaintiff's Proposed Amended Complaint; Defendant Jodi H. Brown, M.D.'s Opposition to Plaintiff's Motion for Leave to File an Amended Complaint or, in the Alternative, Defendant Jodi H. Brown, M.D.'s Motion to Dismiss Count III of Plaintiff's Proposed Amended Complaint; Plaintiff's Reply Brief in Support of Motion to Amend Complaint and in Opposition to the Motion to Dismiss of the Sarner Defendants; Sur-Reply in Support of Attorney Defendants' Opposition to Plaintiff's Motion for Leave to File an Amended Complaint and Attorney Defendants' Motion to Dismiss Count III of Plaintiff's Proposed Amended Complaint, it is hereby **ORDERED** that:

1. Plaintiff's Motion for Leave to Amend Complaint (Docket Entry No. 32) is GRANTED IN PART AND DENIED IN PART. Plaintiff's Complaint may be amended to substitute "John Matusavage" for "John Doe Process Server". In all other respects, Plaintiff's motion is denied.

2. Motion of Attorney Defendants to Dismiss Plaintiff's Complaint Pursuant to Rules 12(b)(1) and 12(b)(6) (Docket Entry No. 35) is DENIED.

3. Attorney Defendants' Motion to Dismiss Count III of Plaintiff's Proposed Amended Complaint (Docket Entry No. 35) is DENIED.

4. Defendant Jodi H. Brown, M.D.'s Motion to Dismiss Count III of Plaintiff's Proposed Amended Complaint (Docket Entry No. 36) is DENIED.

5.. A **Telephone Status Conference** is scheduled for **April 29, 2004**, at **10:00 a.m.** in order to discuss how best to proceed towards a resolution of this matter. Plaintiff's counsel shall initiate this conference call to (215) 597-6079.

BY THE COURT:

M. FAITH ANGELL
UNITED STATES MAGISTRATE JUDGE